

**MINUTES**  
**IN THE UNITED STATES DISTRICT COURT FOR THE**  
**MIDDLE DISTRICT OF ALABAMA NORTHERN, DIVISION**

**HON. CHARLES S. COODY, MAG. JUDGE      AT      MONTGOMERY, ALABAMA**

**DATE COMMENCED:      1/17/06                      AT                      3:00 p.m. to 3:11 p.m.**

**DATE COMPLETED:      1/17/06                      AT                      FTR RECORDING**

JAMES EDWARD WILSON, JR.

Plaintiff

vs..

NANCY WORLEY, et al

Defendant

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CASE NO. 2:05CV01049-CSC

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PLAINTIFF

APPEARANCES:

DEFENDANT

Atty. James E. Wilson

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Atty. Alice A. Byrne

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COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

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( X) OTHER PROCEEDINGS:

**ORAL ARGUMENTS RE: MOTION TO REMAND TO CIRCUIT COURT**

**SEE MINUTES ATTACHED**

**LOG OF PROCEEDINGS ELECTRONICALLY RECORDED**

<b>LOG OF PROCEEDINGS ELECTRONICALLY RECORDED</b>			
<b>Description</b>	Oral Argument - 2:05cv1049-CSC Re; Motion to Remand		
<b>Date</b>	1/17/2006	<b>Location</b>	Courtroom 4B
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
3 :00:58 PM	Court	Court convenes; discussion as to the motion to remand; Discussions regarding claims in complaint;	
3 :01:40 PM	Atty. Wilson	Response;	
3 :01:55 PM	Court	Response;	
3 :02:37 PM	Atty. Wilson	Response as to the claims in complaint is grounded in state law; Discussions as to state law;	
3 :03:15 PM	Court	Discussion as to state claim or constitutional claim;	
3 :03:41 PM	Atty. Wilson	Response; not a constitutional claim;	
3 :03:46 PM	Court	Discussions regarding paragraph 20;	
3 :03:48 PM	Atty. Wilson	Response; Discussions as to the 14th amendment;	
3 :03:54 PM	Court	You claim that the 14th amendment is violated;	
3 :04:00 PM	Atty. Wilson	Response; Is claiming that the state law was violated;	
3 :04:07 PM	Court	Your also claiming that the state law violated the 14th amendment;	
3 :04:13 PM	Atty. Wilson	Response;	
3 :04:19 PM	Court	Response that the 14th amendment is not self executed;	
3 :04:21 PM	Atty. Wilson	Response; Discussions regarding cause of actions;	
3 :04:48 PM	Court	Response;	
3 :04:53 PM	Atty. Wilson	Response	
3 :04:57 PM	Court	The constitution does not create property rights;	
3 :05:31 PM	Atty. Wilson	Claim does not state a Federal cause of action; State law creates the cause of action, the federal law does not;	
3 :05:58 PM	Court	Response as to the agreement as to no jurisdiction predicate stated in this claim;	
3 :06:14 PM	Atty. Byrne	Nor in State Court;	
3 :06:15 PM	Court	State court does not require one;	
3 :06:18 PM	Atty. Byrne	Response;	
3 :06:32 PM	Court	Response; Does not seek relief under 1983; Why shouldn't this complaint be in state court?	
3 :06:53 PM	Atty. Byrne	Response;	
3 :07:00 PM	Court	If they state a constitutional claim;	
3 :07:09 PM	Atty. Byrne	Response;	
3 :07:58 PM	Atty. Wilson	Response;	
3 :08:54 PM	Court	conduct states claim of violation of a constitutional right, that's a federal claim;	
3 :09:03 PM	Atty. Wilson	Response;	
3 :09:08 PM	Court	What would have if Mr. Wilson dismiss federal claims and will not assert them?	
3 :09:17 PM	Atty Byrne	Response - if they were dismissed with prejudice would have not problems with it being remanded;	
3 :09:36 PM	Atty. Wilson	Response;	
3 :10:39 PM	Atty. Byrne	Response;	
3 :10:59 PM	Court	Discussions as to case law; Pntf can amend complaint within 14 days or we can go forward;	

3 :11:42 PM	Atty. Wilson	Would have to discuss that with client;
3 :11:42 PM	Court	Court is recessed.